

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

PUERTO RICO AQUEDUCT AND
SEWER AUTHORITY, THE
COMMONWEALTH OF PUERTO
RICO, and COMPANIA DE AGUAS
DE PUERTO RICO, INC.,

Defendant.

CIVIL ACTION NO.
01-1709 (JAF)

MODIFICATION OF CONSENT DECREE

WHEREAS, on July 2, 2003, this Court entered a Consent Decree in this action between the United States, and the Puerto Rico Aqueduct and Sewer Authority ("PRASA") to resolve civil claims alleged in an amended Complaint by the United States, and certain related civil administrative enforcement actions pertaining to unpermitted discharges from all PRASA pump stations in the Commonwealth of Puerto Rico, with the goal of eliminating such discharges in the future and to achieve compliance with the Clean Water Act. Pursuant to the Consent Decree, PRASA is required to operate all of the pump station facilities that it owns and/or operates under a system-wide operation and maintenance plan (OMP).

WHEREAS, in order to facilitate effective implementation of the obligations under the Consent Decree, the United States and PRASA have agreed to modify Paragraph 13 of the Consent Decree, and Appendix E to the Consent Decree, as set forth below, subject to the

Court's approval.

NOW, THEREFORE, the Consent Decree is hereby modified by agreement of the parties as follows:

1. With respect to the OMP schedule included in Paragraph 13, such schedule is modified as indicated below:

Work to be Performed:	Milestone:
<ul style="list-style-type: none">• Submit documentation to EPA related to the implementation of the Integrated Preventive Maintenance Program of the Consent Decree• Finalize OMP with EPA's approval^{1/} which will include three groups of pump stations whose implementation will be phased in over four years• Interim^{2/} phase I pump station implementation• Phase I pump station implementation completed• Interim phase II pump station implementation• Phase II pump station implementation completed• Interim Phase III pump station implemented• Phase III pump station implementation completed	<ul style="list-style-type: none">• No later than August 31, 2007• No later than November 15, 2007• No later than December 31, 2007• No later than December 31, 2008• No later than December 31, 2008• No later than December 31, 2009• No later than December 31, 2009• No later than December 31, 2010

The documentation to be submitted to EPA no later than August 31, 2007 shall include, at a

^{1/}The documentation due on August 31, 2007 and the finalized OMP with EPA's approval due November 15, 2007, shall be considered "deliverables" for purposes of the Consent Decree, including Section IX ("Stipulated Penalties"), Paragraph 24, Category D.

^{2/}The "interim" phase of the preventive maintenance program for pump stations shall, at a minimum, include regular inspections and procedures to support prompt repair of all equipment and routine preventive maintenance for new equipment.

minimum: List of Pump Stations and Implementation Phase; Needs Inventory for Phase I Pump Stations; Regional Preventive Maintenance Organization; Pump Stations Inspection Checklist; Maintenance Program Flow Diagram; Critical Equipment List; Specific Maintenance Schedule for Critical Equipment; and List of Facilities to be included in PRASA's Telemetry Implementation Program.

2. The last activity/milestone listed on Appendix E entitled "Work Plan Supplemental Environmental Project" is modified from "Submit SEP Completion Report 90 days after completion of the SOW" to "Submit SEP Completion Reports for Villa Blanca, Lajita and El Chichón no later than October 31, 2009."

THE UNDERSIGNED PARTY enters into Modification of Consent Decree in the matter of United States of America v. Puerto Rico Aqueduct and Sewer Authority, the Commonwealth of Puerto Rico, and Compania de Aguas de Puerto Rico, Inc.

UNITED STATES OF AMERICA

AUGUST 15, 2007
Date

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THE UNDERSIGNED PARTY enters into Modification of Consent Decree in the matter of
United States of America v. Puerto Rico Aqueduct and Sewer Authority, the Commonwealth of
Puerto Rico, and Companio de Aguas de Puerto Rico, Inc.

PUERTO RICO AQUEDUCT AND SEWER AUTHORITY

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Date

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The attached Modification of Consent Decree in the matter of United States of America v. Puerto Rico Aqueduct and Sewer Authority, the Commonwealth of Puerto Rico, and Companio de Aguas de Puerto Rico, Inc. is hereby approved.

SO APPROVED THIS ____ DAY OF _____, 2007.

Jose A. Fuste
United States District Judge